## REMARKS

Reconsideration of the application is requested in view of the amendment to the claims and the remarks presented herein.

The claims in the application are claims 1 and 20 to 27, all other claims being cancelled. Claim 1 has been amended to be drawn to a composition comprising α-linolenic acid, eicosapentaenoic acid and docosahexaenoic acid. To clarify the definition of the term "global weight", the percentage range of each component is expressed as a percentage of the global weight of the composition, i.e. the sum of all components of the composition. The percentage ranges have been calculated based on weight ranges in given paragraph [0014] and considering a 1,500 mg unit dose. Indeed, all masses given in the specification are relative to a 1,500 mg unit dose, e.g. paragraph [0021] "*1,500 mg of oily compound*", [0023] "*a 1,500 mg capsule*" and in examples 1, 2 and 3 "*capsule weighing 1,500 mg*". Consequently, the percentage ranges used in claim 1 are directly and unambiguously taught in the specification.

Claim 20 is drawn to specify the source of eicosapentaenoic acid and is based on paragraph [0006]. Claim 21 is drawn to specify the source of docosahexaenoic and is based on paragraph [0007]. Claim 22 is drawn to specify the source of α-linolenic acid and is based on paragraphs [0004] and [0018]. Claim 23 concerns a composition further comprising γ-linolenic

acid. The percentage range has been calculated as in claim 1, i.e. based on weight range given paragraph [0014] and considering a 1,500 mg unit dose. Claim 24 specifically concerns the composition disclosed paragraph [0014]. Claim 25 concerns a composition further comprising an antioxidant as disclosed in paragraph [0022]. Claim 26 corresponds to the previous claim 3. Claim 27 is based on paragraph [0023] and examples 1, 2 and 3. Claims drawn to a method have been deleted.

With respect to the rejection of the claims under 35 USC 112, second paragraph in the term "global", it is believed that the amended claims are clear since the claims now specify that the concentration ranges are given in percentage of the total or global weight of the compostion. Therefore, withdrawal of the ground of rejection is requested.

Claims 1, 4 to 8, 10, 11 and 15 have been rejected under 35 USC 102 as being anticipated by the Nippon Oil patent and the Yeo patent. Claims 3, 9, 13 and 14 have been rejected under 35 USC 103 as being obvious over the Nippon Oil patent taken in view of the Maingault reference and claims 3, 6, 7, 9 and 14 have been rejected under 35 USC 103 as being obvious over the Yeo patent taken in view of Maingault. The Examiner states that Nippon Oil teaches a pharmaceutical powder comprising at least 10% EPA and DHA; and 20 – 70% ALA, wherein the fats are oils derived from sardines and Perilla species and that Yeo teaches a pharmaceutical composition comprising EPA and ALA which are derived from fish and perilla oils.

Applicant traverses these ground of rejection since the cited art does not anticipate or render obvious the claimed invention. The Nippon Oil reference relates to a composition comprising three components. The first component, namely A, comprises fats or oils containing at least 10 wt % of EPA; and/or fats or oils containing 20-70 wt % of ALA. The second component is lecithin and the third component is protein and/or hydrolysate. The composition comprises 2-20 wt % of lecithin and 20-70 wt % of protein.

However, the concentration range of the component A is not disclosed. Consequently, the concentrations of EPA, DHA and ALA in the composition cannot be deduced from this teaching. Furthermore, table 1 (page 377) of this document discloses a composition of a global weight of 100g and comprising 20g of EPA and DHA, i.e. 22% of the global weight. Table 3 (page 378) of this document discloses a composition of a global weight of 100g and comprising 10g of EPA and DHA, i.e. 10% of the global weight. The composition of amended claim 1 comprises 5 to 8% of EPA and 17 to 20% of DHA, i.e. a minimum of 20% of the global weight. Thus, the composition of the invention comprises a higher concentration range of EPA and DHA than the composition discloses in Nippon Oil. Therefore, Nippon Oil reference does not anticipate claim 1 and its dependents.

Amended claim 1 is drawn to a composition comprising ALA, EPA and DHA. According to the Examiner in point 6 of the Office action dated August 7, 2008, Yeo does not teach including DHA. Thus, this document does not disclose a composition comprising these

three fatty acids. Furthermore, as in the Nippon Oil reference, Yeo relates to a composition comprising a mix of an oil containing 5 to 30% EPA and an oil containing 40 to 70% ALA. This document does not disclose any specific concentration range of EPA or ALA in percentage of the global weight of the composition. Compositions disclosed in examples 1, 2, 3 and 4 of this document comprise 38.4%, 40%, 33% and 32.6% (% of the global weight of the composition) of ALA, respectively, whereas the composition of the invention comprises from 53 to 67% of ALA. Therefore, claim 1 and its dependents are not anticipated by Yeo. With respect to the 103 rejection, the composition of the invention comprises 53 to 67% ALA, 5 to 8% EPA and 17 to 20% DHA (% of the global weight of the composition) and these concentration ranges are designed to supplement the diet of an individual to obtain optimal blood concentrations of ALA, EPA and DHA to treat or prevent atheromatosis. If one of these fatty acids is absent of the composition or in a concentration which is too high or too low, the blood concentration of this fatty acid in the individual would be affected. Consequently, based on the teaching of Nippon Oil, it cannot be obvious to one of ordinary skill in the art to optimize the concentrations of ALA, EPA and DHA in order to obtain the claimed composition. Yeo relates to composition which does not comprise DHA. Thus, this document cannot remedy the deficiencies of Nippon Oil. Matsuura relates to composition comprising poly-unsaturated fatty acids such as EPA, DHA or ALA. However, this document does not teach a combination of these three fatty acids. Thus, this document cannot remedy the deficiencies of Nippon Oil. Maingault relates to a composition comprising ALA. This document fails to teach a combination of ALA, EPA and DHA. Thus this document cannot remedy the deficiencies of Nippon Oil. In conclusion, the Applicant considers that claim 1 and its dependents are non obvious over Nippon Oil, Yeo, Matsuura and

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Maingault, alone or in combination. Therefore, withdrawal of these rejection is requested.

In view of the amendment to the claims and the above remarks, it is believed that the claims point out Applicant's patentable contribution. Therefore, favorable reconsideration of the application is requested.

Respectfully submitted,

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CAM:mlp
Enclosures

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

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